In the Supreme Court of the United States

OCTOBER TERM, 1940

No. 330

OPP COTTON MILLS, INC., PETITIONER

v.

ADMINISTRATOR OF THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE RESPONDENT

The petition presents questions which relate to: (1) the constitutionality of the Fair Labor Standards Act; (2) the procedures by which Industry Committee No. 1 for the Textile Industry was established and operated; and (3) the adequacy of the evidence supporting the findings and order of the respondent.

The constitutional questions are important and are substantially similar to those presented in *United States* v. *Darby Lumber Co.*, No. 82, this

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Term. The questions of administrative procedure are of wide application and will be of continuing importance in the administration of the Fair Labor Standards Act. While the question as to the adequacy of the evidence relates only to this particular order of the Administrator, that order governs the minimum wages to be paid in a large industry and might appropriately be considered by this Court together with the questions of wider application. We therefore join in the petitioner's prayer that a writ of certiorari be issued.

Respectfully submitted.

NEWMAN A. TOWNSEND,
Acting Solicitor General.

GERARD D. REILLY,
Solicitor, Department of Labor.

AUGUST 1940.

U. S. GOVERNMENT PRINTING OFFICE: 1940